

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

INDICTMENT CR13-70 DSD/LIB

Plaintiff,

(16 U.S.C. § 3372(a)(1))

(16 U.S.C. § 3373(d)(1))

(18 U.S.C. § 2)

v.

1. JERRY A. REYES,  
a/k/a "Otto Reyes,"
2. MARC L. LYONS,
3. FREDERICK W. TIBBETTS,  
a/k/a "Bud Tibbetts," and
4. ALAN D. HEMME,

Defendants.

THE UNITED STATES GRAND JURY CHARGES THAT:

At all times relevant to this Indictment:

1. Leech Lake, Cass Lake, Lake Winnibigoshish, and Six Mile Lake are bodies of water located within the boundaries of the Leech Lake Indian Reservation in the State and District of Minnesota.
2. Section 22.01(2) of the Conservation Code of the Leech Lake Band of Chippewa Indians prohibits the taking of game fish for any purpose by use of gill nets except where such taking is for personal use.
3. Section 23.01 of the Conservation Code of the Leech Lake Band of

SCANNED

APR 10 2013

U.S. DISTRICT COURT ST. PAUL

FILED APR 09 2013

RICHARD D. SLETTEN, CLERK

JUDGMENT ENTD \_\_\_\_\_

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Chippewa Indians prohibits the taking of game fish for commercial purposes within the Leech Lake Reservation.

4. The Lacey Act makes it unlawful for any person to import, export, transport, sell, receive, acquire, or purchase any fish and wildlife taken, possessed, transported, or sold in violation of any law or regulation of the United States or in violation of any Indian tribal law. 16 U.S.C. § 3372(a)(1).

5. Defendant ALAN D. HEMME ("HEMME") owns a restaurant in Bena, Minnesota.

6. Defendants JERRY A. REYES, a/k/a "Otto Reyes" ("REYES") and MARC L. LYONS ("LYONS") are enrolled members of the Leech Lake Band of Chippewa Indians. Defendant FREDERICK W. TIBBETTS, a/k/a "Bud Tibbetts" ("TIBBETTS") is an enrolled member of the White Earth Band of Chippewa Indians.

7. Between September, 2010 and July, 2011, defendants REYES, LYONS and TIBBETTS took fish by gill net from lakes within the boundaries of the Leech Lake Indian Reservation, including Leech Lake, Cass Lake, Lake Winnibigoshish, and Six Mile Lake, for commercial purposes, in violation of the Conservation Code of the Leech Lake Band of Chippewa Indians.

8. Defendants REYES, LYONS and TIBBETTS would and did sell and attempt to sell these unlawfully acquired fish to defendant HEMME and others known and unknown to the Grand Jury.

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**COUNT 1**

(Transportation, Sale and Purchase of Fish Taken in Violation of Tribal Law)

9. The Grand Jury hereby re-alleges and incorporates paragraphs 1 through 8 of this Indictment as if stated in full herein.

10. Between in or about September, 2010 and July, 2011, in the State and District of Minnesota, the defendants,

**JERRY A. REYES,**  
a/k/a "Otto Reyes,"  
**MARC L. LYONS, and**  
**FREDERICK W. TIBBETTS,**  
a/k/a "Bud Tibbetts,"

did knowingly engage in conduct that involved the sale and purchase of fish with a market value in excess of \$350.00, that is: fish that were netted from lake located within the boundaries of the Leech Lake Indian Reservation for commercial purposes, and did knowingly transport, sell and acquire said fish knowing that said fish were taken, possessed, transported and sold in violation of and in a manner unlawful under Tribal Law, specifically, Sections 22.01(2) and 23.01 of the Conservation Code of the Leech Lake Band of Chippewa Indians.

All in violation of Title 16, United States Code, Sections 3372(a)(1) and 3373(d)(1).

**COUNT 2**

(Transportation, Sale and Purchase of Fish Taken in Violation of Tribal Law)

11. The Grand Jury hereby re-alleges and incorporates paragraphs 1 through 8 of this Indictment as if stated in full herein.

12. Between in or about September 2010 and July, 2011, in the State and District

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of Minnesota, the defendant,

**ALAN D. HEMME,**

did knowingly engage in conduct that involved the sale and purchase of fish with a market value in excess of \$350.00, that is: fish that were netted from lakes within the boundaries of the Leech Lake Indian Reservation for commercial purposes, and did knowingly transport, receive, acquire and purchase said fish knowing that said fish were taken, possessed, transported and sold in violation of and in a manner unlawful under Tribal Law, specifically, Sections 22.01(2) and 23.01 of the Conservation Code of the Leech Lake Band of Chippewa Indians.

All in violation of Title 16, United States Code, Sections 3372(a)(1) and 3373(d)(1), and Title 18, United States Code, Section 2.

**Forfeiture Allegations**

Counts 1 and 2 of this Indictment are realleged and incorporated as if fully set forth for the purpose of alleging criminal forfeitures pursuant to Title 16, United States Code, Section 3374 and Title 28, United States Code, Section 2461(c).

As a result of the foregoing offenses, the defendants shall forfeit to the United States pursuant to Title 16, United States Code, Section 3374 and Title 28, United States Code, Section 2461(c):

1. all fish or wildlife or plants imported, exported, transported, sold, received, acquired or purchased contrary to the provisions of Title 16, United States Code, Section 3372(a), or any regulation issued pursuant thereto, and

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2. all vessels, vehicles, aircraft, and other equipment used to aid in the importing, exporting, transporting, selling, receiving, acquiring, or purchasing of fish or wildlife or plants in a felony violation of Title 16, United States Code, Section 3372(a), which violation involved the sale or purchase of, the offer of sale or purchase of, or the intent to sell or purchase, fish or wildlife or plants.

If any of the above-described property is unavailable for forfeiture for any of the reasons set forth in Title 21, United States Code, Section 853(p), then the United States intends to seek the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p) as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL

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UNITED STATES ATTORNEY

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FOREPERSON